

REMARKS/ARGUMENTS

Claims 24 -29, 32 and 33 are pending in the present application. Claim 24 has been amended to more clearly define and point out the invention. The following remarks are believed to be fully responsive to the Office Action.

35 USC § 103 (a) Rejection

Claims 24 and 32-33 stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta et al. (Mistretta") in view of Stark et al ("Stark") alone or in further view of Schurfeld et al. ("Schurfeld") or Lerman et al. ("Lerman").

In the Office Action dated June 3, 2008, the Examiner holds that the combination of Mistretta and Stark leads to the method of MR imaging where the image data obtained is indicative of renal stenosis. Further, Schurfeld et al discloses that "a higher graded renal artery stenosis causes a reduced arterial perfusion", and Lerman et al discloses that perfusion correlates significantly with severity of stenosis. Hence, the Examiner holds that the MR data obtained by Stark being indicative of renal stenosis grade inherently also is indicative of renal perfusion.

In Applicants response dated February 29, 2008, it was pointed out that renal stenosis will not always result in reduced renal perfusion, and therefore the presence of a stenosis would in no way indicate reduced renal perfusion. It was further explained the importance of

being able to determine whether a stenosis is actually related to the patient's hypertension or renal insufficiency or not.

In the current Office Action the Examiner, however, notes that the Applicants fail to provide any evidence to show that renal stenosis grade would not always be "indicative" of renal perfusion.

Applicants respectfully refer to example 1 in the present specification (page 16) where such evidence is clearly provided. Different degrees of renal artery stenosis (0%, 70% and 90%) were created in a foxhound, and angiographic and perfusion data were obtained. For the moderate stenosis, no changes in renal perfusion were observed compared to non-stenosis (0%). This shows that the kidney was still able to maintain adequate perfusion and that the stenosis did not reveal any functional significance. Hence, a stenosis grade will not always be indicative of renal perfusion.

Further, the Examiner holds that the claims fail to set forth that in a single examination quantified data for both renal perfusion and renal stenosis grade is provided. Pending claim 24 has now been amended to specify that also values indicative of renal stenosis grade is derived from the MR images.

Even if the combination of Mistretta and Stark would lead one skilled in the art to use MR imaging for determining the presence of a renal stenosis, and even if Schurfeld and Lerman indicate that stenosis might cause reduced renal perfusion, none of these prior art

documents disclose, teach or even suggest quantification of both in a single examination, and further using the values obtained to investigate the potential relation between the stenosis and the renal disease. None of these prior art documents are related to renal perfusion and do not in any way disclose or teach deriving values indicative of renal perfusion by MRI examination. Applicants respectfully submit that it is impermissible within the framework of 35 U.S.C. § 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). (emphasis added). Applicants also wish to present that “the prior art itself must provide a motivation or reason for the worker in the art, without the benefit of the Applicant’s specification, to make necessary changes in the reference device”. See, *Ex parte Chicago Rawhide Manufacturing Co.*, 226 U.S.P.Q. 438 (PTO Bd. App. 1984).

Claims 25-27 are rejected under stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta in view of Stark alone or further in view of Schurfeld or Lerman in view of Berg. Since claims 25-27 only introduce further limitations to the present invention, claims 25-27 will stand or fall based on independent claim 24.

Claim 28 is rejected under stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta in view of Stark alone or further in view of Schurfeld or Lerman and in further view of Fischer. Since claim 28 only introduces further limitations to the present invention, claim 28 will stand or fall based on independent claim 24.

Claim 29 is rejected under stand rejected under 35 USC § 103(a) as being unpatentable over Mistretta in view of Stark alone or further in view of Schurfeld or Lerman and in further view of McMurray. Since claim 29 only introduces further limitations to the present invention, claim 28 will stand or fall based on independent claim 24.

Accordingly, Applicants respectfully request that the Examiner withdrawal the rejections for claims 24-29 and 32-33 under 35 U.S.C. § 103(a) and direct that these claims be allowed.

CONCLUSION

Upon entry of this Amendment, claims 24-29 and 32-33 remain pending. Applicants submit that all outstanding issues have been addressed, and that claims 24-29 and 32-33 are in condition for allowance, which action is earnestly solicited.

Should any other matters require attention prior to allowance of the application, it is requested that the Examiner contact the undersigned.

Respectfully submitted,

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